

Chapter 684

1979 REPLACEMENT PART

Chiropractors

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Note: Section 40, chapter 842, Oregon Laws 1977, is operative July 1, 1986, and provides:

Sec. 40. ORS 684.010, 684.015, 684.020, 684.023, 684.025, 684.035, 684.040, 684.050, 684.052, 684.054, 684.060, 684.090, 684.092, 684.094, 684.100, 684.105, 684.112, 684.130, 684.140, 684.150, 684.155, 684.160, 684.171, 684.190 and 684.990 relating to chiropractors are repealed.

GENERAL PROVISIONS

684.010 Definitions. As used in this chapter:

(1) "Board" means the State Board of Chiropractic Examiners.

(2) "Chiropractic" is defined as:

(a) That system of adjusting with the hands the articulations of the bony framework of the human body, and the employment and practice of physiotherapy, electrotherapy, hydrotherapy and minor surgery.

(b) The chiropractic diagnosis, treatment and prevention of body dysfunction; correction, maintenance of the structural and functional integrity of the neuro-musculo-skeletal system and the effects thereof or interferences therewith by the utilization of all recognized and accepted chiropractic diagnostic procedures and the employment of all rational therapeutic measures as taught in approved chiropractic colleges.

(3) "Drugs" means all medicines and preparations and all substances, except food, water and nutritional supplements taken orally, used or intended to be used for the diagnosis, cure, treatment, mitigation or prevention of diseases or abnormalities of man, which are recognized in the latest editions of the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia, official National Formulary, or any supplement to any of them, or otherwise established as drugs.

(4) "Minor surgery" means the use of electrical or other methods for the surgical repair and care incident thereto of superficial lacerations and abrasions, benign superficial lesions, and the removal of foreign bodies located in the superficial structures; and the use of antiseptics and local anesthetics in connection therewith. [Amended by 1953 c.541 §2; 1975 c.492 §1]

684.015 Prohibited practices. (1) Without first complying with the provisions of this chapter, no person shall:

(a) Practice or attempt to practice chiro-

practic.

(b) Buy, sell or fraudulently obtain a diploma or license to practice chiropractic, whether recorded or not.

(c) Use the title "Chiropractic," "D.C.," "Chiropractor," "Chiropractic D.C.," or "Ph.C.," or any word or title to induce belief that he is engaged in the practice of chiropractic.

(d) Place upon any door a sign for the purpose of displaying any of the titles mentioned in paragraph (c) of this subsection.

(2) The display of such titles or any of them fraudulently obtained is prima facie evidence that such person is fraudulently engaged in the practice of chiropractic and subject to this chapter.

(3) No person practicing under this chapter shall administer or write prescriptions for, or dispense drugs, practice optometry or naturopathy or do major surgery. [Formerly 684.110]

684.020 License required to practice chiropractic. It is unlawful for any person to practice chiropractic in this state unless he first obtains a license, as provided in this chapter.

684.023 Confidentiality of data. (1) All data shall be confidential and shall not be admissible in evidence in any judicial proceeding, but this section shall not affect the admissibility in evidence of records dealing with any patient's hospital care and treatment.

(2) A person serving on or appearing before a peer review committee shall not be examined as to any communication made before that committee or the findings thereof.

(3) As used in this section "data" means written reports, notes or records of review committees or other professional committees in connection with the professional training, supervision or discipline of chiropractors, and any written reports, notes or records of similar committees of professional societies in connection with training, supervision and discipline of chiropractors. [1975 c.492 §11]

684.025 Application of chapter. (1) Nothing in this chapter shall be deemed to prevent one licensed under this chapter from the administration of the anesthetics or antiseptics authorized in subsection (3) of ORS 684.010 or the use of radiopaque substances administered by mouth or rectum necessary for Roentgen diagnostic purposes.

(2) Nothing in this section or ORS 684.010 shall be interpreted as authorizing the administration of any substance by the penetration of the skin or mucous membrane of the human body for a therapeutic purpose. [Formerly 684.115]

684.030 Application of public health laws. Chiropractic physicians shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases, sign birth and death certificates, and report all matters pertaining to public health to the proper health officers the same as other practitioners.

684.035 Chapter not applicable to other methods of healing. Nothing in this chapter shall be construed to interfere with any other method or science of healing in this state. [Formerly 684.120]

LICENSING

684.040 Application for license; qualifications of applicants; fees. (1) Any person applying for a license to practice chiropractic in this state shall make application to the board, upon such form and in such manner as may be provided by the board. The application must be accompanied by a nonrefundable fee of \$15.

(2) Each applicant shall furnish to the board:

(a) Evidence satisfactory to the board of the applicant's good moral character.

(b) His diploma or satisfactory evidence of having graduated from a standardized high school accredited to the University of Oregon or any other university of equal standing, or a certificate signed by a state superintendent of public instruction or similar officer to the effect that such applicant has had scholastic preparation equivalent in all respects to that demanded for graduation from high school giving a four-year course of instruction in the state from which said certificate is issued.

(c) Present a certificate of proficiency in the fundamental sciences (Part I, taken subsequent to January 1, 1971) issued to the applicant by the National Board of Chiropractic Examiners.

(d) Evidence satisfactory to the board that he has successfully completed at least two years liberal arts and sciences study, in a college or university accredited by either the Northwest Association of Secondary and

Higher Schools or a like regional association or in a college or university in Oregon approved for granting degrees by the Oregon State Board of Education prior to matriculation into a chiropractic school or college.

(e) A copy of his diploma or other evidence satisfactory to the board of his graduation from a chiropractic school or college approved by the board which requires for graduation a period of actual attendance of four years of at least nine months, or its equivalent as determined by the board, each with a schedule of minimum educational requirements enumerated in subsection (4) of ORS 684.050, and has status with the Commission on Accreditation of the Council on Chiropractic Education, or its successor.

(3) The board may waive the requirements of paragraph (d) of subsection (2) of this section for any applicant for a license to practice chiropractic if the applicant is licensed in another state and practiced chiropractic in that state prior to March 1, 1958, but the applicant must pass the examination authorized by ORS 684.050 or by ORS 684.052.

[Amended by 1953 c.432 §2; 1969 c.191 §1; 1973 c.31 §4; 1975 c.492 §2]

684.050 Examination of applicants; issuing license. (1) Examinations for license to practice chiropractic shall be made by the board according to the method deemed to be the most practicable to test the applicant's qualifications.

(2) Each applicant shall be designated by a number instead of the name so that the identity of the applicant will not be disclosed to the examiners until the papers are graded.

(3) All examinations shall be in writing, the subjects of which shall be in accordance with subsection (4) of this section. A license shall be granted to all applicants who correctly answer 75 percent of all questions asked under each subject, and if any applicant fails to answer correctly 75 percent of the questions on any branch of the examinations he is not entitled to a license. The applicant shall, however, be given credit for all branches passed.

(4) The schedule of minimum educational requirements to enable any person to practice chiropractic in this state includes the basic science subjects of anatomy, physiology, chemistry, pathology and public health and hygiene; also the clinical subjects of physical diagnosis, differential diagnosis, laboratory diagnosis, theory and practice of chiropractic,

nutrition and dietetics, physiotherapy, electrotherapy, hydrotherapy, chiropractic orthopedics, written and practical roentgenology, eye-ear-nose-throat, proctology, obstetrics and gynecology, minor surgery, jurisprudence, psychology, office procedure and such other subjects as the board may, from time to time, require, except internal medicine and major surgery. The minimum number of classroom hours in an approved chiropractic college shall not be less than 4,200 (equivalent to 350 quarter hours). The board may recognize a national chiropractic testing agency for grades received in both basic science and clinical subjects. [Amended by 1975 c.492 §3]

684.052 Use of nationally administered test. In lieu of an examination in any or all required subjects, the board may accept a passing grade on a test administered by a national testing agency approved by the board if the test is no less strict than a test administered under ORS 684.050. [1969 c.191 §7]

684.054 Qualifications for license; notification of address change required.

(1) Upon complying with ORS 684.040, and earning a passing grade on the examination authorized by ORS 684.050 or 684.052, an applicant shall be licensed as a chiropractic physician upon payment of a fee of \$35 unless the board refuses to grant the license on grounds specified in ORS 684.100.

(2) Every chiropractic physician shall promptly notify the board of any change in his professional address. [1969 c.191 §3]

684.060 Reciprocity. A person licensed to practice chiropractic under the laws of any other state who demonstrates to the satisfaction of the board that he possesses qualifications at least equal to those required of persons eligible for licensing under this chapter and who meets the requirements of ORS 684.040 may be issued a license to practice in this state without examination upon payment of a fee of \$50. [Amended by 1969 c.191 §4]

684.070 [Repealed by 1975 c.492 §12]

684.080 [Repealed by 1975 c.492 §12]

684.090 Annual registration; fees; failure to renew license. (1) In addition to meeting the requirements of ORS 684.092, each person practicing chiropractic within this state shall, on or before July 1 of each year after a license is issued to him, pay to the board an annual registration fee not to exceed \$80, as determined by the board and approved

by the Executive Department. The maximum annual registration fee for one not engaged in active practice shall not exceed \$40, as determined by the board and approved by the Executive Department. The board, on or before May 1 of each year, shall cause to be mailed to the last-known professional address of all licensed chiropractors in this state a notice of the requirements of ORS 684.092 and that the registration fee will be due on or before July 1 next following.

(2) The failure, neglect or refusal of any person holding a license or certificate to practice under this chapter to pay the annual fee and to show compliance with or exemption from the requirement of ORS 684.092 during the time his license remains in force shall cause his license to expire after a period of 30 days from July 1 of the year for which the failure occurs.

(3) The licenses not renewed on time shall not be renewed except upon the written application therefor and a payment to the board of the fee for the license category plus one-half thereof, and upon compliance with or exemption from the requirements of ORS 684.092. A licentiate who pays the annual renewal fee and shows compliance or exemption within 12 months of the expiration date of the license shall not be required to submit to an examination for the reissuance of a license.

(4) The license of any licentiate who fails to renew his license within one year from July 1 preceding shall be renewed only upon written application, the payment to the board of the annual registration fee plus one-half thereof and successful completion of the examination authorized under ORS 684.050.

(5) Any person whose license application was denied or whose license has been revoked or suspended and whose license privileges are granted or restored may receive the license for the year in which the privilege is granted or restored upon payment of the annual registration fee for the license category plus one-half thereof. [Amended by 1957 c.40 §1; 1969 c.191 §8; 1971 c.14 §2; 1974 s.s. c.48 §1; 1975 c.492 §4]

684.092 Completion of continuing education course required; exemptions.

(1) Except as provided in subsection (2) of this section, each chiropractic physician at the time he submits any fee required under ORS 684.090, shall submit evidence satisfactory to the board of his successful completion of an approved program of continuing chiropractic education, if any, in that 12-month period

preceding the date on which the evidence is submitted.

(2) The board may exempt a chiropractic physician from the requirements of subsection (1) of this section upon an application by him showing by evidence satisfactory to the board that he is unable to comply with the requirements because of unusual or extenuating circumstances or because no program has been approved by the board. [1969 c.191 §5]

684.094 Procedure for approving continuing education courses. (1) Any person seeking approval of a program of continuing chiropractic education, to be offered to assist persons licensed under this chapter to comply with the requirements of subsection (1) of ORS 684.092, shall submit to the board, at such time as the board may require, copies of courses of study to be offered and proof of such other qualifications as the board may require.

(2) The board may approve for purposes of continuing chiropractic education any program of not less than 15 hours duration covering new, review, experimental, research or specialty subjects in the field of chiropractic to be presented by persons reasonably qualified to do so.

(3) Approval granted any course of study under subsection (2) of this section shall be reviewed periodically and approval shall be withdrawn from any course of study which fails to meet the requirements of the board. [1969 c.191 §6]

684.100 Grounds and procedure for discipline of licensee or refusal to license. (1) The board may refuse to grant a license to any applicant who desires to practice chiropractic in this state or may suspend or revoke such a license upon any of the following grounds:

(a) Fraud or misrepresentation in applying for or procuring a license to practice in this state, or in connection with applying for or procuring an annual registration.

(b) The practice of chiropractic under a false or assumed name.

(c) The impersonation of another practitioner of like or different name.

(d) A conviction of a crime involving moral turpitude. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, is conclusive evidence of the conviction.

(e) Commitment to a mental institution. A copy of the record of commitment, certified to by the clerk of the court entering the commitment, is conclusive evidence of the commitment.

(f) Habitual intemperance in the use of intoxicants or controlled substances to such an extent as to incapacitate the person from the performance of professional duties.

(g) Unprofessional or dishonorable conduct which includes but is not limited to:

(A) Any repeated conduct or practice contrary to recognized standard of ethics of the chiropractic profession or any conduct or practice which does or might constitute a danger to the health or safety of a patient or the public or any conduct, practice, or condition which does or might impair a physician's ability safely and skillfully to practice chiropractic.

(B) Wilful and consistent utilization of any chiropractic service, X-ray, or treatment which is contrary to recognized standards of practice of the chiropractic profession.

(C) Gross malpractice or repeated malpractice.

(h) Failing to notify the board of a change in location of practice as provided in ORS 684.054.

(i) Representing to a patient that a manifestly incurable condition of sickness, disease or injury can be permanently cured.

(j) The obtaining of any fee through fraud, or misrepresentation.

(k) The wilful betrayal of a professional secret.

(L) The use of any advertising in which untruthful, improper, misleading or deceptive statements are made.

(m) The advertising of techniques or modalities to infer or imply superiority of treatment or diagnosis by the use thereof.

(n) Knowingly permitting or allowing any person to use the license of the person in the practice of any system or mode of treating the sick or afflicted.

(o) Advertising either in the name of the person or under the name of another person, or clinic, or concern, actual or pretended, in any newspaper, pamphlet, circular or other written or printed paper or document, professing superiority to or a greater skill than that possessed by fellow chiropractic physicians.

(p) Aiding or abetting the practice of any of the healing arts by an unlicensed person.

(q) The use of the name of the person under the designation, "Doctor," "Dr.," "D.C.," "Chiropractor," "Chiropractic D.C.," "Chiropractic Physician," or "Ph.C.," or any similar designation with reference to the commercial exploitation of any goods, wares or merchandise.

(r) The advertising or holding oneself out to treat diseases or other abnormal conditions of the human body by any secret formula, method, treatment or procedure.

(s) Violation of any provision of this chapter or any rule adopted thereunder.

(t) Gross incompetency or gross negligence.

(u) The suspension or revocation by another state of a license to practice chiropractic, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof.

(2) The board may at any time after two years of the refusal or revocation or cancellation of registration under this section, by a majority vote, issue a new license or grant a license, to the person affected, restoring to, or conferring on the person, all the rights and privileges of and pertaining to the practice of chiropractic as defined and regulated by this chapter. Any person to whom such rights have been restored shall pay to the secretary-treasurer the annual registration fee for the license category plus one-half thereof.

(3) The board, for not more than 15 days, may temporarily suspend the license of a chiropractic physician without a hearing. However, simultaneously with the order of suspension, the board must institute proceedings for a hearing provided under this section if the board finds that evidence in its possession indicates that a chiropractic physician's continuation in practice would constitute an immediate danger to the public.

(4) If a physician refuses a written request for an informal interview with the board, the board shall have grounds to suspend or revoke the license of a physician pursuant to this section.

(5) Prior to or following an informal interview as described in this section, the board shall request the Oregon Association of Chiropractic Physicians (Inc.) or the Oregon Chiro-

practic Association (Inc.) or both to assist the board in preparing for or conducting any professional competency examination as the board may deem appropriate.

(6) Notwithstanding any other provisions of ORS 684.010, 684.023, 684.040, 684.050, 684.090, 684.100, 684.112, 684.130, 684.150 and 684.155, the board may at any time direct and order a professional competency examination limited to the area of practice out of which a specific complaint has arisen, and make such investigation, including the taking of depositions or otherwise in order to fully inform itself with respect to the performance or conduct of a physician licensed under ORS 684.010, 684.023, 684.040, 684.050, 684.090, 684.100, 684.112, 684.130, 684.150 and 684.155.

(7) If the board has reasonable cause to believe that any chiropractic physician is or may be unable to practice with reasonable skill and safety to patients, the board may cause a competency examination of such physician for purposes of determining the physician's fitness to practice chiropractic with reasonable skill and safety to patients.

(8) Any person who reports or provides factual information to the board under this section and who provides such information in good faith shall not be subject to suit for civil damages as a result thereof.

(9) In disciplining a person as authorized by subsection (1) of this section, the board may use any or all of the following methods:

(a) Suspend judgment.

(b) Place the person on probation.

(c) Suspend the license of the person to practice chiropractic in this state.

(d) Revoke the license of the person to practice chiropractic in this state.

(e) Place limitations on the license of the person to practice chiropractic in this state.

(f) Take such other disciplinary action as the board in its discretion finds proper, including assessment of the costs of the disciplinary proceedings.

(10) Any information provided to the board pursuant to ORS 684.100, 684.112 and 684.150 is confidential and shall not be subject to public disclosure or admissible as evidence in any judicial proceeding. [Amended by 1953 c.556 §2; 1971 c.734 §129; 1973 c.265 §1; 1975 c.492 §5; 1979 c.744 §56]

684.105 License denial procedure; review of board orders. (1) Where the board proposes to refuse to issue a license, or proposes to revoke or suspend a license; opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Judicial review of orders under subsection (1) of this section shall be in accordance with ORS 183.310 to 183.500. [1971 c.734 §131]

684.110 [Amended by 1953 c.541 §2; renumbered 684.015]

684.112 Records of chiropractor also licensed to practice other healing art; submission to board. A person licensed under this chapter, who is also licensed to practice any other healing art, shall maintain in-office and patient records and files, the services provided to the patient, diagnostic and therapeutic procedures employed, the nature of such procedures and services and whether such procedures and services were rendered as a chiropractor. Such records pertaining to a specific complaint shall be submitted to the board for inspection at its request. [1975 c.492 §8]

684.115 [1953 c.541 §2; renumbered 684.025]

684.120 [Renumbered 684.035]

STATE BOARD

684.130 State Board of Chiropractic Examiners; appointment, qualifications, terms and removal of members; confirmation. (1) A board hereby is established to be known as the State Board of Chiropractic Examiners in the Health Division. The board shall be composed of four chiropractors and one public member who are residents of this state. The chiropractor members must have practiced chiropractic in this state for one year prior to appointment. Annually, upon the expiration of the term of any members of the board, the Governor shall appoint one or more qualified persons to the board to serve for a period of three years.

(2) The Governor shall fill vacancies on the board, occasioned by death or otherwise. Upon sufficient proof to the Governor of the inability or misconduct of a member of the board, the member shall be dismissed and the Governor shall appoint as successor a person qualified to fill the vacancy.

(3) All appointments of members of the board by the Governor are subject to confir-

mation by the Senate in the manner provided in ORS 171.560 and 171.570. [Amended by 1971 c.650 §33; 1973 c.792 §39; 1975 c.492 §10]

684.140 Officers of board. The board shall annually elect a president, a vice president and a secretary-treasurer from its membership. The secretary-treasurer of the board shall give a bond in the sum and with the sureties the board deems proper. The secretary of the board shall keep a record of the proceedings of the board which shall be open to public inspection at all times during business hours.

684.150 Powers and duties of board. (1) The board shall adopt a seal which shall be affixed to all licenses issued by it. The board shall from time to time adopt such rules as it deems proper and necessary for the administration of this chapter and the performance of its work. The board has authority to make investigations, administer oaths, take affidavits, summon witnesses, require the production of evidence, documents and records pertaining to a specific complaint, and take testimony as to matters pertaining to its duties and for the administration of this chapter. A majority of the board constitutes a quorum.

(2) The board shall meet as a board of examiners on the first Tuesday following the second Monday of January and July of each year and at such times and places as may be found necessary for the performance of its duties.

(3) The board shall adopt a schedule of minimum educational requirements, which shall be without prejudice or discrimination as to the different colleges teaching chiropractic. [Amended by 1975 c.492 §6]

684.155 Additional powers of board. In addition to any other powers granted by this chapter, the board may:

(1) Promulgate necessary and proper rules:

(a) Establishing standards and tests to determine the moral, intellectual, educational, scientific, technical and professional qualifications of applicants for licenses to practice in this state.

(b) To enforce the provisions of this chapter and to exercise general supervision over the practice of chiropractic within this state.

(2) Issue, deny, suspend and revoke licenses and limited licenses, assess costs of

proceedings and place persons on probation as provided in this chapter.

(3) Use the gratuitous services and facilities of private organizations to receive the assistance and recommendations of such organizations in administering this chapter.

(4) Make its personnel and facilities available to other regulatory agencies of this state, or other bodies interested in the development and improvement of the practice of chiropractic in this state, upon such terms and conditions for reimbursement as are agreed to by the board and the other agency or body.

(5) Determine the schools, colleges, institutions and training acceptable in connection with licensing under this chapter. All residency, internship and other training programs carried on in this state by any chiropractic institution or chiropractic facility shall be subject to approval by the board.

(6) Prescribe the time, place, method, manner, scope and subjects of examinations under this chapter.

(7) Prescribe all forms that it considers appropriate for the purposes of this chapter, and require the submission of photographs, fingerprints and relevant personal history data by applicants for licenses to practice chiropractic in this state.

(8) Administer oaths, issue notices and subpoenas in the name of the board, enforce subpoenas in the manner authorized by ORS 183.440, hold hearings and perform such other acts as are reasonably necessary to carry out its duties under this chapter. [1975 c.492 §9]

684.160 Compensation and expenses of board members. (1) A member is entitled to compensation and expenses as provided in ORS 292.495.

(2) Such per diem and mileage, and other incidental expenses necessarily connected with the board shall be paid out of the account

of the State Board of Chiropractic Examiners and not otherwise. [Amended by 1967 c.10 §2; 1969 c.314 §85]

684.170 [Amended by 1967 c.637 §31; repealed by 1973 c.427 §25 (684.171 enacted in lieu of 684.170)]

684.171 Disposition of receipts. All moneys received by the Health Division under this chapter shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Division Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter. [1973 c.427 §26 (enacted in lieu of 684.710)]

684.180 [Repealed by 1969 c.191 §10]

ENFORCEMENT

684.190 Enforcement of chapter. (1) The district attorneys shall prosecute all persons charged with violation of any of the provisions of this chapter. The secretary-treasurer of the board, under the direction of the board, shall aid the district attorneys in the enforcement of this chapter.

(2) The district court of Multnomah County and the justice courts of the several counties have concurrent jurisdiction with the circuit courts in the enforcement of this chapter.

PENALTIES

684.990 Penalties. Violation of any of the provisions of subsection (1) of ORS 684.015 is punishable, upon conviction, by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail for not less than 30 days nor more than one year, or by both. All subsequent offenses shall be punished in like manner.

OCCUPATIONS AND PROFESSIONS

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173 170, I, Thomas G Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173 160 and other changes specifically authorized by law

Done at Salem, Oregon,
October 1, 1979.

Thomas G Clifford
Legislative Counsel